

EXCLUDED EMPLOYEE GRIEVANCE






STD. 631 (REV. 8/2002)

GRIEVANCE PROCEDURES ON REVERSE

GRIEVANT'S NAME		TELEPHONE NUMBER	
MAILING ADDRESS (NUMBER/STREET)		CITY	ZIP CODE
DEPARTMENT	DIVISION OR FACILITY		SECTION, BRANCH, UNIT, ETC.
POSITION CLASSIFICATION	NORMAL WORKING HOURS		WORK TELEPHONE NUMBER
REPRESENTATION INFORMATION (Complete if applicable)			
REPRESENTATIVE'S NAME	TELEPHONE NUMBER	ORGANIZATION OR AFFILIATION	
TRACKING INFORMATION			
DEPARTMENTAL TRACKING NUMBER	FACILITY / INSTITUTION TRACKING NUMBER	ORGANIZATION TRACKING NUMBER	
GRIEVANCE INFORMATION			
DATE OF ACTION CAUSING GRIEVANCE	SUPERVISOR'S NAME	DATE OF INFORMAL DISCUSSION WITH IMMEDIATE SUPERVISOR	INFORMAL RESPONSE DATE
CLEAR, CONCISE STATEMENT OF GRIEVANCE (ATTACH ADDITIONAL SHEETS IF NECESSARY)			

SPECIFY THE STATUTE, REGULATION, POLICY, OR PRACTICE ALLEGEDLY VIOLATED

SPECIFIC REMEDY SOUGHT

GRIEVANT'S SIGNATURE 	DATE FILED	
GRIEVANCE REVIEW — LEVEL I		
LEVEL I REVIEWER'S SIGNATURE 	DATE RECEIVED	RESPONSE DATE
PRINTED NAME AND TITLE	TELEPHONE NUMBER	<input type="checkbox"/> DECISION ATTACHED
GRIEVANCE REVIEW — LEVEL II		
LEVEL II REVIEWER'S SIGNATURE 	DATE RECEIVED	RESPONSE DATE
PRINTED NAME AND TITLE	TELEPHONE NUMBER	<input type="checkbox"/> DECISION ATTACHED
GRIEVANCE REVIEW — LEVEL III		
LEVEL III REVIEWER'S SIGNATURE 	DATE RECEIVED	RESPONSE DATE
PRINTED NAME AND TITLE	TELEPHONE NUMBER	<input type="checkbox"/> DECISION ATTACHED
GRIEVANCE REVIEW — LEVEL IV		
LEVEL IV REVIEWER'S SIGNATURE 	DATE RECEIVED	RESPONSE DATE
PRINTED NAME AND TITLE	TELEPHONE NUMBER	<input type="checkbox"/> DECISION ATTACHED

FOR LEVEL IV REVIEW ONLY, MAIL TO:

Department of Personnel Administration
Labor Relations Division
1515 S Street, North Bldg., Suite 400
Sacramento, California 95814

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Section 599.859. GRIEVANCE AND APPEAL PROCEDURE.

- (a) The purpose of grievance and appeal procedures is to provide for the prompt review and resolution of issues either formally or informally at the lowest possible level.

(b) Definitions.

- (1) **"Grievance".** A grievance is a dispute of one or more excluded employees involving the application or interpretation of a statute, regulation, policy or practice which falls under the jurisdiction of the Director, Department of Personnel Administration.
- (2) **"Non-Merit Statutory Appeal".** A non-merit, statutory appeal is: an appeal of transfer in accordance with sections 19994.2 - 19994.4 of the Government Code; a petition to set aside resignation in accordance with section 19996.1; an appeal for reinstatement after automatic resignation (AWOL) in accordance with section 19996.2; or an appeal of layoff in accordance with section 19997.14.

- (c) **Grievance Procedures.** Each appointing power may establish in writing a procedure for the resolution of grievances of its excluded employees and any such procedure shall be subject to the review and approval by the Director. However, unless such a procedure is established, the appointing power shall follow the standard grievance procedure prescribed by the Director in Subsection (d).

- (d) **Standard Grievance Procedure.** Each party involved in a grievance shall attempt to resolve the grievance promptly. Every effort should be made to complete required actions within the time limits contained in the grievance procedure. However, with the mutual consent of the parties, the time limit for any step may be extended.

- (1) A grievance procedure shall consist of as few levels of review as practicable; however, no procedure shall provide for more than four levels of review.

- (2) **Informal Discussion.** The excluded employee or the excluded employee's representative shall discuss the grievance with the excluded employee's immediate supervisor. If the grievance is not settled within five (5) work days, a written grievance may be filed.

- (3) **Formal Grievance--Level I.** A formal grievance may be filed no later than ten (10) work days after the event or circumstances occasioning the grievance. The first level of review shall respond to the grievance in writing within ten (10) work days after the receipt of the formal grievance.

- (4) **Formal Grievance--Level II.** The grievant may appeal the decision of the first level within ten (10) work days after receipt of the response. Within fifteen (15) work days after receipt of the appealed grievance, the person designated by the appointing power as the second level of review shall respond in writing to the grievance.

- (5) **Formal Grievance--Level III.** The grievant may appeal the decision of the second level within ten (10) work days after receipt of the response to the appointing power or his/her designee. Within fifteen (15) work days after receipt of the appeal, the appointing power or his/her designee shall respond in writing to the grievance.

- (6) **Formal Grievance--Level IV.** The grievant may appeal the decision of the third level within ten (10) work days after receipt of the response to the Director of the Department of Personnel Administration or his/her designee. Within twenty (20) work days the Director, or his/her designee shall respond in writing to the grievance.

- (e) **Forms.** The Director shall prescribe a standard excluded employee grievance form and any additional forms to be used in processing grievances.

- (f) **Representation.** The excluded employee and his/her representative, recognized by the Director in accordance with the provisions of Section 599.857, may be authorized a reasonable amount of work time, as determined by the appointing power and approved by the Director, to prepare and present a grievance.

(g) Non-Merit Statutory Appeals.

- (1) Disputes regarding appeals of layoff, appeals of transfer, petitions to set aside resignation, appeals for reinstatement after automatic resignation shall be filed in writing directly with the Director. Such appeals shall be filed in accordance with specific time limits prescribed by applicable statute.

- (2) Such appeal may be assigned to a hearing officer for hearing or investigation. The hearing officer is the authorized representative of the Director and is fully authorized and empowered to grant or refuse extensions of time, to set such proceeding for hearing, to conduct a hearing or investigation in every such proceeding, and to perform any and all other acts in connection with such proceeding that may be authorized by law or by this article.

- (3) Rehearing. Within thirty (30) days after service of a copy of the decision any party may file a written petition for rehearing with the Director. Within thirty (30) days after such filing, the Director shall serve a copy of the petition upon the other parties to the proceeding. Within sixty (60) days after service of the petition for rehearing, the Director shall either grant or deny the petition in whole or in part. Failure to act upon a petition for rehearing within the ninety (90) day period is a denial of the petition. If a rehearing is granted, the Director may rehear the case itself on all the pertinent parts of the record of the prior hearing and such additional evidence and argument as may be permitted by the Director.

- (4) Decision Becomes Final When. Unless a proper application for rehearing is made in accordance with subsection (g)(3), every decision shall become final 30 days after service by the Director of a copy of such decision upon the parties to the proceeding in which the decision is rendered.

Note: Authority cited: Sections 3535, 19815.4(d) Government Code. Reference: Sections 3535, 18714, 19994.4, 19996.1, 19996.2, 19997.14, Government Code.